

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRY EAGLE,

Plaintiff,

v

No. 1:17-cv-112

BRODY BOUCHER, JASON WILLIAMS, JEFF
HELD, EDWIN HENRIQUEZ, BRIAN
GEORGE, RYAN DAVIS, STEPHEN
THOMAS, KEVIN COOK, and VINCENT
MUNOZ,

HON. JANE M. BECKERING
MAG. PHILLIP J. GREEN

Defendants.

**DEFENDANTS' STATEMENT OF THE CASE
AND STATEMENT OF THE ELEMENTS OF THE CLAIM¹**

Pursuant to the Court's case management order, Defendants submit this statement of the case and statement of the elements of the claim.

STATEMENT OF THE CASE

On September 17, 2015, event organizers invited the public to attend an anniversary celebration of the Americans With Disabilities Act on the east side of the Michigan Capitol in Lansing, Michigan. Defendants are officers of the Michigan State Police who acted under color of law in various capacities both on the scene and up the chain of command to provide for public safety and security. The Michigan State Police imposed certain time, place, and manner restrictions on a group of protestors who attended the event. Plaintiff Terry Eagle, one of the protestors,

¹ This document is not joint because Plaintiff is unrepresented and did not respond to correspondence seeking his participation.

claims Defendants violated his First Amendment rights. Defendants deny violating anyone's rights.

STATEMENT OF THE ELEMENTS OF THE CLAIM

Plaintiff must show that the time, place, and manner restrictions were unreasonable. He must demonstrate that they were (1) not content neutral, (2) not narrowly tailored to serve a significant government interest, and (3) failed to leave open ample alternative channels of communication.” *Harcz v. Boucher*, 763 F. App'x 536, 542 (6th Cir. 2019).

Respectfully submitted,

/s/ John Fedynsky
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Dated: March 11, 2024

CERTIFICATE OF SERVICE

I certify that on March 11, 2024, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will provide electronic copies to counsel of record.

I certify that, on March 11, 2024, my secretary has emailed and, on March 12, 2024, mailed this document by U.S. Postal Service to the following:

Terry Eagle
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terrydeagle@yahoo.com

/s/ John Fedynsky
John Fedynsky
Assistant Attorney General
Attorney for Defendants
State Operations Division

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